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10 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 ABDUL-KAHLIF CALHOUN,

12 Petitioner,

13 v.
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15 STATE OF WASHINGTON,

16 Respondent.
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Case No. C09-5211RJB

ORDER TO AMEND THE
PETITION

18 This habeas corpus petition has been referred to the undersigned Magistrate Judge
19 pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrate Judge's Rules
20 MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254.
21 (Dkt. # 1).

22 The court has reviewed the petition prior to service. Mr. Calhoun names the State of
23 Washington as the only respondent. Mr. Calhoun is in custody and should have named the
24 superintendent or person in charge of the facility where he is currently housed.
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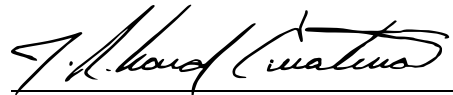
26 28 U.S.C. § 2243 indicates that writs are to be directed "to the person having custody of
the person detained." This person typically is the superintendent of the facility in which the
ORDER - 1

1 petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of
2 personal jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

3 Petitioner is ordered to file an amended petition naming the proper respondent, or file a
4 motion to change the case caption. The new petition or motion must be filed on or before June
5 26, 2009, or the court will recommend dismissal of this petition on jurisdictional grounds.

6 The clerk is ordered to send copies of this order to the petitioner.

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8 DATED this 1st day of June, 2009.

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12 J. Richard Creatura
13 United States Magistrate Judge
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